

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Clifton Eugene Battle

Docket No. 5:18-CR-472-1BO

Petition for Action on Supervised Release

COMES NOW Taylor R. Westphalen, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Clifton Eugene Battle, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, 18 U.S.C. §§ 922(g)(1) & 924(a)(2), was sentenced by the Honorable Terrence W. Boyle, United States District Judge, on May 22, 2019, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months. Battle was released from custody on February 10, 2022, at which time the term of supervised release commenced in the Middle District of North Carolina.

On August 3, 2023, a Violation Report was submitted to the court after the defendant committed Driving While Impaired and Reckless Driving to Endanger in Franklin County, North Carolina (23CR311880). The defendant has since been convicted of Driving While Impaired and was sentenced to a state probation term.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant continues to incur traffic law violations. On June 7, 2024, he was charged with Speeding and Driving While License Revoked in Edgecombe County (24CR702800). On May 22, 2024, he was charged with Speeding and Reckless Driving Wanton Disregard in Wake County (24CR26341). These charges were addressed by the Middle District of North Carolina by issuance of a Letter of Reprimand to the defendant as well as enrollment in a Cognitive Behavioral Intervention course, of which he completed.

On July 4, 2024, the defendant was charged with and arrested for Driving While Impaired, Driving While License Revoked (Impaired Revocation), and Failure to Maintain Lane Control in Wake County (24CR350575). As a result of this new offense, the Middle District of North Carolina has provided the following information and recommendation:

Unfortunately, because of the new charge, Mr. Battle lost his job, as the primary duty was driving. To his credit, he secured new employment and kept his supervising office abreast in a timely manner. Additionally, Mr. Battle engages in positive, productive discussions with the probation office regarding his decision making process to help him understand the consequences of his behaviors and assist him in making better choices. As Mr. Battle's repetitive, problematic behavior is concerning, we believe Court notification is warranted.

Our office respectfully recommends a 60-day term of location monitoring be imposed to sanction Mr. Battle's recurring noncompliance. This will allow him to continue his employment and focus his efforts on creating prosocial thinking patterns. Mr. Battle agrees with this recommendation, as evidenced by his signature on the Waiver of Hearing to Modify Conditions.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the location monitoring home detention program for a period of 60 days. At the direction of the probation officer, the defendant shall wear a location monitoring device, which may include GPS or other monitoring technology, and follow all program procedures specified by the probation officer. The defendant shall pay for the location monitoring services as directed by the probation officer.

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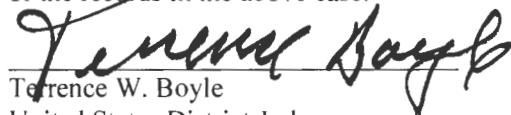
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Taylor R. Westphalen
Taylor R. Westphalen
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8698
Executed On: September 17, 2024

ORDER OF THE COURT

Considered and ordered this 18 day of sept., 2024, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
United States District Judge